BILL NO. Z-86-01-23 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-02-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows:
>
> Beginning at a point on the North line of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, said point being 637.0 feet West of the Northeast corner of the NW 1/4 of Sec. 5-30-13; thence West along the North line of the NW 1/4 of Sec. 5-30-13, a distance of 264.0 feet to the Northwest corner of Lot #4 in W. A. Ewing's Subdivision; thence South and parallel to the East line of the NW 1/4 of Sec. 5-30-13, and along the West line of Lot #4, a distance of 330.0 feet to the Southwest corner of Lot #4; thence East and parallel to the North line of the NW 1/4 of Sec. 5-30-13, and along the South line of Lot #4, a distance of 264.0 feet; thence North and parallel to the East line of the NW 1/4 of Sec. 5-30-13, a distance of 330.0 feet to the point of beginning, containing 2.0 acres, subject to road rights-of-way and easements,

and the symbols of the City of Fort Wayne Zoning Map No. R-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

____

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-86-01-23

ZONING MAP ORDINANCE NO. Z-____________

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows:
>
> Beginning at a point on the North line of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, said point being 637.0 feet West of the Northeast corner of the NW 1/4 of Sec. 5-30-13; thence West along the North line of the NW 1/4 of Sec. 5-30-13, a distance of 264.0 feet to the Northwest corner of Lot #4 in W. A. Ewing's Subdivision; thence South and parallel to the East line of the NW 1/4 of Sec. 5-30-13, and along the West line of Lot #4, a distance of 330.0 feet to the Southwest corner of Lot #4; thence East and parallel to the North line of the NW 1/4 of Sec. 5-30-13, and along the South line of Lot #4, a distance of 264.0 feet; thence North and parallel to the East line of the NW 1/4 of Sec. 5-30-13, a distance of 330.0 feet to the point of beginning, containing 2.0 acres, subject to road rights-of-way and easements,

and the symbols of the City of Fort Wayne Zoning Map No. R-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

____
COUNCILMEMBER

Bill No. Z-86-

Page two

APPROVED AS TO FORM AND LEGALITY:

____

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart seconded by Stier, and duly adopted, read the second tim by title and referred to the Committee Regulations (and the Ci Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Way Indiana, on ________, the ________ day of ________, 19____, at ________ o'clock ____.M.,E

DATE: 1-28-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart seconded by Stier, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 2-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION) (APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. Z-02-86 on the 25th day of February, 1986,

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986 at the hour of 2:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of March 1986, at the hour of 2:00 o'clock P.M.,E.S.T.

[signature]
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. ______________________

THIS IS TO BE FILED IN DUPLICATE

DATE FILED ______________________

INTENDED USE ______________________

I/We MILDRED D. GRAVES
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B3B District the property described as follows:

The West 2 acres of Subdivision numbered 4 of Lot 2 or Middle part of Fractional Section 5, Township 30 North, Range 13 East, to contain 3.41 acres, more or less, according to the plat thereof recorded in Deed Record 61, page 433, Allen County Records.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3714 Lake Avenue, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
MILDRED D. GRAVES	2626 Santa Ana Grand Prairie, Texas 75051	Mildred D. Graves

(If additional space is needed, use reverse side.)

Legal Description checked by ______________________.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Robert T. Hoover SHOAFF, PARKER & KEEGAN	P. O. Box 12709 Fort Wayne, IN 46864	(219) 424-8000

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The West 2 acres of Subdivision numbered 4 of Lot 2 or Middle part of Fractional Section 5, Township 30 North, Range 13 East, to contain 3.41 acres, more or less, according to the plat thereof recorded in Deed Record 61, page 433, Allen County Records.

Owners of Property

(Name)	(Address)	(Signature)
MILDRED D. GRAVES	2626 Santa Ana Grand Prairie, Texas 75051	x Mildred D. Graves

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF: DONOVAN ENGINEERING
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, said point being 637.0 feet West of the Northeast corner of the NW¼ of Sec. 5-30-13; thence West along the North line of the NW¼ of Sec. 5-30-13, a distance of 264.0 feet to the Northwest corner of Lot #4 in W.A. Ewing's Subdivision; thence South and parallel to the East line of the NW¼ of Sec. 5-30-13, and along the West line of Lot #4, a distance of 330.0 feet to the Southwest corner of Lot #4; thence East and parallel to the North line of the NW¼ of Sec. 5-30-13, and along the South line of Lot #4, a distance of 264.0 feet; thence North and parallel to the East line of the NW¼ of Sec. 5-30-13, a distance of 330.0 feet to the point of beginning, containing 2.0 acres, subject to road rights-of-way and easements.

JOHN R. DONOVAN
REGISTERED
No. 9921
STATE OF INDIANA
LAND SURVEYOR

JOB FOR: SHIVE

1-17-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 28, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-01-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 27, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held February 3, 1986.

Certified and signed this
5th day of February 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-01-23 As Amended
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

3714 Lake Avenue

Reason for Project

To construct a Day Care Center.

Discussion (Including relationship to other Council actions)

January 27, 1986 - Public Hearing

David Scott, attorney for the petitioners appeared before the Commission. Mr. Scott stated he was appearing for the potential purchasers. He stated that the proposed use of th parcel is for a child day care center. He stated that subsequent to the filing of the petition they had learned they had requested an unnecessarily liberal zoning and that a B-1-B would permit the proposed use. He stated that the staff recommendation is to perfect the request to a B-1-B. He stated that they are agreeable to that recommendation. He stated that the property to the east is zoned B-1-B and felt that this rezoning would be consistent with the area.

Steve Smith asked if they were going to use the structure presently on the property or raze it and build a new structure.

Mr. Scott stated they planned to build a new structure.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Mildred Graves City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against ~~Reason Against~~ PERFECT TO B-1-B
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

February 3, 1986 - Business Meeting

A motion was made to return the ordinance to the Common Council with a DO PASS recommendation PERFECTED TO A B-1-B.

Of the 8 members present 7 voted in favor of approval as perfected, one did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date December 17, 1985

Projected Completion or Occupancy Date February 5, 1986

Fact Sheet Prepared by Date February 5, 1986

Patricia Biancaniello

Reviewed by Date 2/5/86

Gary Barten

Reference or Case Number

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Check # 18047

Nº 523

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 12/17 19 85

RECEIVED FROM Shraff, Parker + Keegan $ 50.00

THE SUM OF Fifty + 00/100 —— 100 DOLLARS

ON ACCOUNT OF Rezoning

3714 Lake

B. Steele

AUTHORIZED SIGNATURE

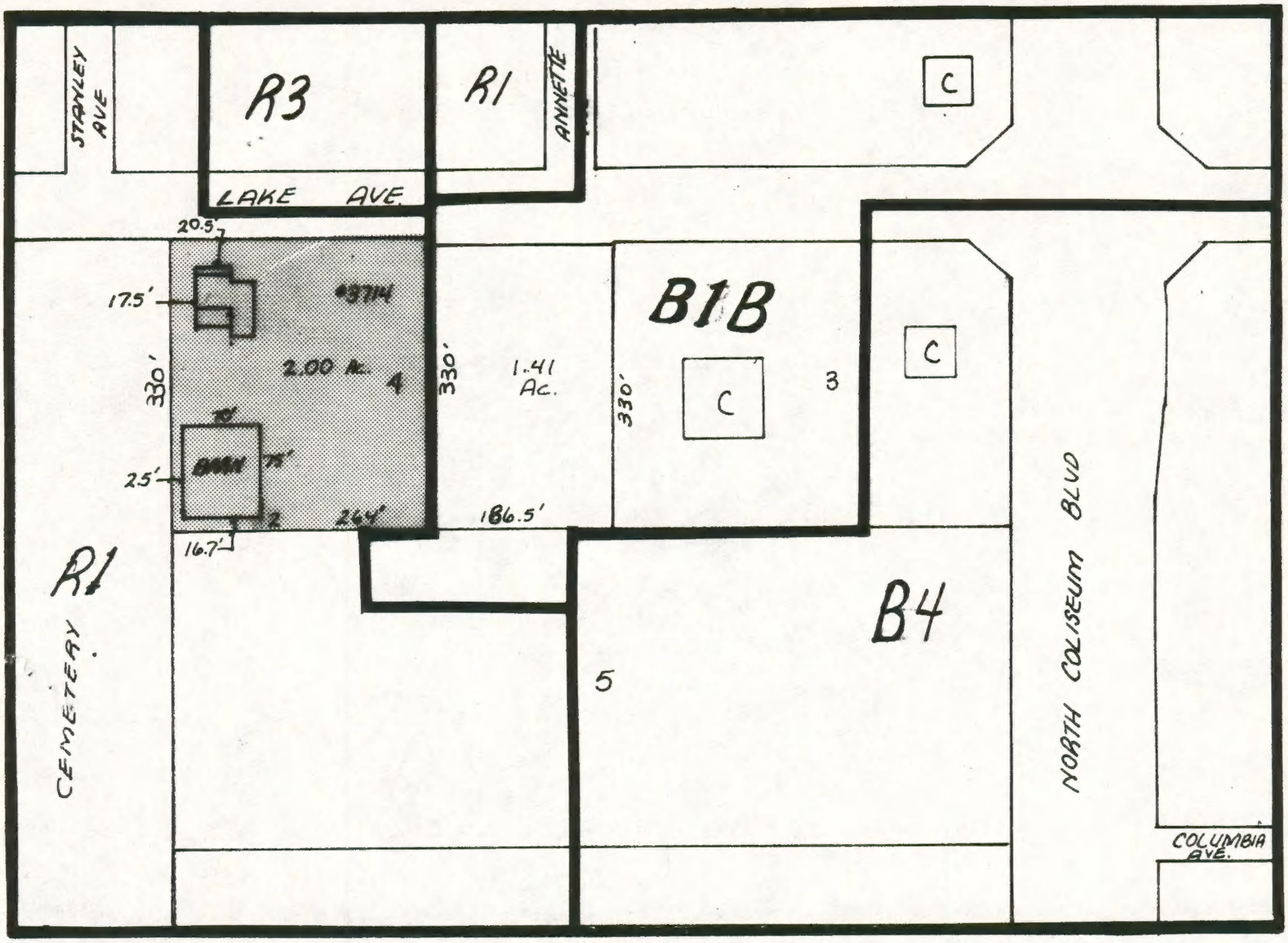
REZONING PETITION

#176

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R1 DISTRICT TO A B3B DISTRICT.

MAP NO. R-10

COUNCILMANIC DISTRICT NO. 2



Zoning:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'
B4 ROADSIDE BUSINESS

Land Use:

☐ SINGLE FAMILY
Ⓒ COMMERCIAL

Z-86-01-23

Scale: 1"=175'

Date: 1-6-86

ORIGINAL

Admn. Appr. ____________

COUNCILMANIC DISTRICT No. 2 DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 3714 Lake Avenue

3-86-01-23

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) ____________

(ASSIGN TO COMMITTEE (J.N.) ____________

BILL NO. Z-86-01-23 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-10

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) Do Pass

YES		NO
yes	BEN A. EISBART CHAIRMAN	
Janet G. Bradbury	JANET G. BRADBURY VICE CHAIRWOMAN	
D. Schmidt	DONALD J. SCHMIDT	
Thom C. Henry	THOMAS C. HENRY	
Charles B. Redd	CHARLES B. REDD	

CONCURRED IN 2-25-86

SANDRA E. KENNEDY
CITY CLERK